

ENTERED

December 22, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AETNA LIFE INSURANCE COMPANY

VS.

**ROBERT A. BEHAR, M.D., NORTH
CYPRESS MEDICAL CENTER
OPERATING COMPANY, LTD.
and NORTH CYPRESS
MEDICAL CENTER OPERATING
COMPANY GP, LLC**

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CIVIL ACTION NO. 4:15-CV-491

ORDER

Aetna's Motion for Entry of Order Regarding North Cypress' Retention of Documents Pending Stay of the Case (the "Motion") is hereby **GRANTED**; it is, therefore

ORDERED that ~~North Cypress~~ ^{Aetna} shall utilize appropriate computer imaging software to copy and preserve, at its ~~own~~ expense, all of the electronically stored information (“ESI”), including emails and related attachments, located on and/or processed by the active, backup, and archive hard drives to ~~its~~ ^{North Cypress's} business/general partner computer server(s); it is further

ORDERED that ~~North Cypress~~^{Aetna} shall utilize appropriate computer imaging software to copy and preserve, at ~~its own~~^{Aetna's} expense, all emails and related attachments located on and/or processed by the active, backup, and archive hard drives to ~~its~~^{North Cypress's} hospital server(s), which were sent to or from any of the individuals listed on Exhibit E to Aetna's Motion, attached hereto; it is further

ORDERED that the vendor sign a confidentiality order regarding the imagery that he/s it will not access the information downloaded in any respect.

ORDERED that all ESI, including emails and related attachments, created after the date of this Order and which relate to either North Cypress' business or the claims and/or defenses in this case, shall be preserved and maintained by North Cypress, using appropriate computer file preservation and storage software, until further order of the Court; it is further

ORDERED that North Cypress shall notify the Court of its compliance with this Order within thirty (30) days of this Order, *unless the company obtains a stay from Judge Luke.*

ORDERED that, except as provided for herein, the Court-ordered litigation hold issued on December 2, 2015 shall be lifted after North Cypress has fully complied with this Order.

SIGNED this 22nd day of December, 2016.



U.S. MAGISTRATE JUDGE

NORTH CYPRESS HOSPITAL SERVER EMAILS

North Cypress shall copy and preserve all emails located on the hospital server that were sent or received by the following individuals from 2006 to the present:

Dr. Robert Behar

Dr. Jimmy W.C. Lee

Dr. Michael Barnard

Dr. James Fogarty

Dr. Julius DeBroeck

Dr. Kim Keller

Dr. Martha Casimir

Dr. Mounang Desai

Dr. Harcharan Narang

Dr. Stephen Rose

Dr. Matthew St. Laurent

Kirk Jones

Robert Martel

Glenda Tankersley

Brian Hamilton

William Simmons

Stacy Thornton

Mary Morgan

Rhonda Harkins

Mary Dietrich

Tedra McCardle

Terry Clough

Audrey Fisk

Edna Thompson

Mary Carlson

Tila Cisneros

Tory Myers

David Hilgers

Frank Sossi

Jami Jackson (SDP)

Edward Alexander (SDP)

John Prater (SDP)

Lanson Hyde (SDP)

Lisa Hoffpauir (SDP)

Sherry Vetter (KV Resources)

Becky Korenek (KV Resources)

Patti Greenberg (NHA Consulting)